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FLORENCE P. BELSER
GENERAL COUNSEL

July 9, 2007

VIA E-FILING & HAND DELIVERY

Charles L.A. Terreni
Chief Clerk/Administrator
South Carolina Public Service Commission
101 Executive Center Dr., Suite 100
Columbia, SC 29210

Re: Application of WinSonic Digital Media Group, Ltd. for a Certificate of Public Convenience and Necessity to Provide Facilities-Based and Resold Local Exchange and Long Distance Service Offerings within the State of South Carolina
Docket No.: 2007-112-C

Dear Mr. Terreni:

Enclosed please find the original and one copy of the Motion To Dismiss in the above referenced docket.

Please note that the attached documents are exact duplicates, with the exception of the form of the signature, of the e-filed copy submitted to the Commission in accordance with its electronic filing instructions.

By copy of this letter we are also serving all other parties of record. Do not hesitate to let me know if you have any questions.

Sincerely,

C. Lessie Hammonds

CLH/pjm
Enclosures

cc: Margaret M. Fox, Esquire
Beverly Jackson, WinSonic Digital Media Group, Ltd.

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2007- 112 -C

IN RE:)	
)	
Application of WinSonic Digital Media)	
Group, Ltd. for a Certificate of Public)	MOTION TO DISMISS
Convenience and Necessity to Provide)	APPLICATION
Facilities Based and Resold Local Exchange)	WITH PREJUDICE
And Long Distance Service Offerings)	
Within South Carolina.)	

**TO: Beverly Jackson, Representative of WinSonic Digital Media Group, Ltd.,
And Margaret M. Fox, Esquire, Counsel for South Carolina Telephone Coalition.**

The Office of Regulatory Staff ("ORS"), pursuant to 26 S.C. Code Regs. 103-804 (T)(1)(b) and 103-844(A), hereby moves for an order dismissing the application in the above-referenced docket. In support thereof, ORS would respectfully show as follows:

1. This matter is before the Public Service Commission of South Carolina ("the Commission") pursuant to the Application filed by WinSonic Digital Media Group, Ltd ("WinSonic" or "the company") on April 2, 2007.

2. Mr. David Butler, Esquire was appointed as Hearing Examiner in this matter by Commission Order No. 2007-259.

3. Upon a request by ORS for dismissal, or in the alternative, new prefiling dates, the Hearing Examiner issued a Directive on June 11, 2007 stating that WinSonic **must** obtain South Carolina counsel for representation by 4:45 p.m. on Monday, June 25, 2007 (emphasis

added). The Hearing Examiner further advised that a failure to do so may result in dismissal. (Directive attached.)

4. On Thursday, July 5, 2007, Ms. Jackson, the only witness for the company, informed Counsel for ORS that she would not be attending the hearing scheduled for Monday, July 9, 2007 at 11:30 a.m., and further, that the company did not have counsel to represent the company at the hearing.

5. Counsel for ORS requested Ms. Jackson promptly notify the Commission and all parties in the event that the hearing would need to be cancelled.

6. As of Friday, July 6, 2007, the Commission had not been notified by Ms. Jackson that she did not intend to appear for the hearing.

7. On Monday, July 9, 2007, at approximately 8:15 a.m., Counsel for ORS retrieved an electronic message, sent by Ms. Jackson on Saturday, July 7, 2007, informing Counsel for ORS that Ms. Jackson would not be present at the July 9, 2007 hearing. The message further stated that the company had not retained counsel for the hearing. (Email attached.)

8. Counsel for ORS advised the Commission, along with all parties, via electronic mail, at approximately 8:45 a.m., July 9, 2007, of Ms. Jackson's email. ORS requested this matter be dismissed. (Email attached.)

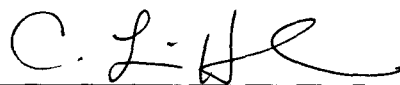
9. The Hearing Examiner determined that based on Ms. Jackson's notification that she would not appear, and that the company did not retain counsel for the hearing, that the hearing would be cancelled. He further indicated that he would entertain formal motions on this matter.

10. Pursuant to 26 S.C. Code Ann. Regs. 103-804(T)(1)(a) and (b), the Applicant is required to be represented, in a proceeding before the Commission, by an attorney authorized to

practice law in South Carolina (or authorized to practice before the courts of any other state upon association with an attorney admitted to practice in South Carolina). The Applicant stated that the company had no counsel for the hearing. Additionally, there has been no letter of representation filed by an attorney on behalf of the company in this matter.

11. Pursuant to 26 S.C. Code Ann. Reg. 103-844(A), this matter may be dismissed with prejudice due to the failure to appear. The only witness for the company stated that she would not be present for the hearing. Furthermore, the Applicant did not request a continuance in this matter.

WHEREFORE, having fully set forth its motion, ORS requests that its Motion to Dismiss with prejudice be granted and an order dismissing the application be issued. Finally, ORS requests that the Commission grant such other and further relief as is just and proper.



C. Lessie Hammonds, Esquire
Attorney for the Office of
Regulatory Staff
1441 Main Street, Suite 300
Columbia, South Carolina 29201
(803) 737-0803

July 9, 2007
Columbia, South Carolina

COMMISSION HEARING EXAMINER DIRECTIVE

ADMINISTRATIVE MATTERS ☐

DATE June 11, 2007

MOTOR CARRIER MATTERS ☐

DOCKET NO. 2007-112-C

UTILITIES MATTERS ☒

ORDER NO. n/a-

HEARING EXAMINER: David Butler

DOCKET DESCRIPTION:

Application of WinSonic Digital Media Group, Ltd for a Certificate of Public Convenience and Necessity to Provide Facilities-Based and Resold Local Exchange and Long Distance Service Offerings within the State of South Carolina

MATTER UNDER CONSIDERATION:

Request by Office of Regulatory Staff for dismissal or, in the alternative, new prefiling dates.

HEARING EXAMINER ACTION:

Request denied. However, WinSonic must obtain South Carolina counsel for representation by 4:45 PM on Monday, June 25, 2007. Failure to do so may result in dismissal.

Hammonds, Lessie

From: Beverly Jackson [bjackson@wdcsn.net]
Sent: Saturday, July 07, 2007 9:53 PM
To: Hammonds, Lessie
Subject: RE: WinSonic Application

Ms. Hammonds,

I'm terribly sorry that there was no reply from Winston Johnson. I was not in the office on Friday 07/6/07, but I was checking my email messages and I did not hear from him. I will not be at the hearing on Monday, as my pre-filed testimony was not filed by local counsel, and there is no local counsel representation for the hearing.

Beverly

From: Hammonds, Lessie [mailto:lhammon@regstaff.sc.gov]
Sent: Fri 7/6/2007 7:11 AM
To: Beverly Jackson
Subject: WinSonic Application

Ms. Jackson,

Have you all made a final determination about Monday? The Commission should be informed if the hearing needs to be cancelled.

Thanks,
Lessie

C. Lessie Hammonds
Attorney
SC Office of Regulatory Staff
1441 Main St., Ste. 300
Columbia, SC 29201
lhammon@regstaff.sc.gov
Voice: 803-737-0803
Fax: 803-737-0895

7/9/2007

Hammonds, Lessie

From: Hammonds, Lessie
Sent: Monday, July 09, 2007 8:47 AM
To: 'Butler, David'; Fox, Peg; Beverly Jackson
Subject: FW: WinSonic Application
Importance: High

Mr. Butler,

In light of the below email, ORS moves to dismiss the application of WinSonic. Ms. Jackson, the company's only witness, will not be present for the hearing. Furthermore, the company has not retained local counsel for the hearing.

Thank you,
Lessie

From: Beverly Jackson [mailto:bjackson@wdcsn.net]
Sent: Saturday, July 07, 2007 9:53 PM
To: Hammonds, Lessie
Subject: RE: WinSonic Application

Ms. Hammonds,

I'm terribly sorry that there was no reply from Winston Johnson. I was not in the office on Friday 07/6/07, but I was checking my email messages and I did not hear from him. I will not be at the hearing on Monday, as my pre-filed testimony was not filed by local counsel, and there is no local counsel representation for the hearing.

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Ms. Jackson,

Have you all made a final determination about Monday? The Commission should be informed if the hearing needs to be cancelled.

Thanks,
Lessie

C. Lessie Hammonds
Attorney
SC Office of Regulatory Staff
1441 Main St., Ste. 300
Columbia, SC 29201
lhammon@regstaff.sc.gov
Voice: 803-737-0803

7/9/2007

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2007-112-C

IN RE:

Application of WinSonic Digital Media)	
Group, Ltd. for a Certificate of Public)	CERTIFICATE OF
Convenience and Necessity to Provide)	SERVICE
Facilities-Based and Resold Local Exchange)	
and Long Distance Service Offerings within)	
the State of South Carolina)	

This is to certify that I, Pamela J. McMullan, have this date served one (1) copy of the **MOTION TO DISMISS** in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

Beverly Jackson, VP of Regulatory Affairs
WinSonic Digital Media Group, Ltd.
101 Marietta Street, NW
Suite 2600
Atlanta, GA, 30303

Margaret M. Fox, Esquire
McNair Law Firm, P.A.
Post Office Box 11390
Columbia, SC, 29211


Pamela J. McMullan

July 9, 2007
Columbia, South Carolina